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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,452	04/12/2001	Randall Allen Vogel	AD6728 US NA	3330

23906 7590 06/17/2003

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WILMINGTON, DE 19805

EXAMINER

JACKSON, MONIQUE R

ART UNIT	PAPER NUMBER
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1773

10

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-10

Office Action Summary	Application No.	Applicant(s)	
	09/833,452	VOGEL ET AL.	
	Examiner	Art Unit	
	Monique R Jackson	1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6,7,9,11,12,14,16-18,20-43,45,47,49,51 and 52 is/are pending in the application.
- 4a) Of the above claim(s) 4,7,9,11,12,14,16-18,20-42,45,47,49 and 51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6,43 and 52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 3/24/03 has been entered. Claims 2, 5, 8, 10, 13, 15, 19, 44, 46, 48, 50 and 53 have been canceled. Claims 1, 3, 4, 6, 7, 9, 11, 12, 14, 16-18, 20-43, 45, 47, 49 and 51-52 are pending in the application. Claims 22-42 were withdrawn from consideration as being directed to a non-elected invention. Further, it is noted that Claims 4, 7, 9, 11, 12, 14, 16, 17, 18, 20, 21, 45, 47, 49, 51 dependent on (45,47,49) and 52 dependent on (45, 47, 49) are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

3. Claim 3 is objected to because of the following informalities: In line 2, "consisting" should read "consists". Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 53 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 53 recites the limitation "and said multilayer film or sheet is clear" in line 3, however Claim 53 depends on Claim 43 which recites that "one of said first or second co-extruded polymeric layers contain pigments, dyes, flakes, or mixtures thereof" hence it is unclear

how the multilayer film or sheet can be clear when one of said layers contains pigments, dyes, flakes or mixtures thereof.

Claim Rejections - 35 USC § 102

6. Claims 1, 3, 6, 43, 51/43 and 52/43 are rejected under 35 U.S.C. 102(b) as being anticipated by Dous et al (USPN 5,858,404.) Dous et al teaches a process and apparatus for producing a coextruded multi-colored film for automotive parts such as dashboards and the film produced therefrom wherein the film comprises a polymer backing layer, at least one pigmented or dyed upper layer(s), and one or more additional layers including lower layer(s) arranged above the upper layer wherein the lower layer comprises 9.5-77wt% ionomers based on ethylene and (meth)acrylic acid with some of the acid groups neutralized with metal ions, and the upper film also comprises ionomers based on ethylene and (meth)acrylic acid with some of the acid groups neutralized with metal ions (Abstract; Col. 6, lines 17-25, 30-34 and 64-67; Col. 7, lines 1-3 and 50-62; Col. 7 line 63-Col. 8, line 49; Col. 11, line 8-10.) Dous et al further teach that below the film layer, an adhesion promoting layer may be provided and below that, a polyurethane or polyethylene foam layer, polyolefin backing layer, fabric layer and/or support layer may be provided; and further that the film or layer in accordance with a preferred embodiment can be provided with decorative features, grains, embossed patterns and the like, and can be printed (Col. 10, line 59-Col. 11, line 8.)

Response to Arguments

7. Applicant's arguments filed 3/24/03 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 1773

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R Jackson whose telephone number is 703-308-0428.

The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J Thibodeau can be reached on 703-308-2367. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Monique R. Jackson
Patent Examiner
Technology Center 1700
June 16, 2003